

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference Cas 2464PCT/JL		FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2005/003892	International filing date (day/month/year) 13.04.2005	Priority date (day/month/year) 15.04.2004	
International Patent Classification (IPC) or national classification and IPC G04B17/06			
Applicant MONTRES BREGUET			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ (sent to the applicant and to the International Bureau) a total of 1 sheets, as follows:

☒ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input checked="" type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2005/003892

Box No. 1 Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:

- ☐ international search (Rule 12.3 and 23.1(b))
☐ publication of the international application (Rule 12.4)
☐ international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☐ the international application as originally filed/furnished

☒ the description:

pages _____ as originally filed/furnished
pages* 1-9 received by this Authority on as amended under Article 19
pages* _____ received by this Authority on _____

☒ the claims:

nos. 1-9 as originally filed/furnished
nos.* _____ as amended (together with any statement) under Article 19
nos.* _____ received by this Authority on _____
nos.* _____ received by this Authority on _____

☒ the drawings:

sheets 1/4-4/4 as originally filed/furnished
sheets* _____ received by this Authority on _____
sheets* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
☐ the claims, nos. _____
☐ the drawings, sheets/figs _____
☐ the sequence listing (*specify*): _____
☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
☐ the claims, nos. _____
☐ the drawings, sheets/figs _____
☐ the sequence listing (*specify*): _____
☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2005/003892

Box No. II

Priority

1. ☐ This report has been established as if no priority had been claimed due to the failure to furnish within the prescribed time limit the requested:
- ☐ copy of the earlier application whose priority has been claimed (Rule 66.7(a)).
- ☐ translation of the earlier application whose priority has been claimed (Rule 66.7(b)).
2. ☐ This report has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rule 64.1). Thus for the purposes of this report, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

The amendments filed under the terms of PCT Article 19(1) re-establish the priority of the subject matter of the claims.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2005/003892

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	<u>1-9</u>	YES
	Claims		NO
Inventive step (IS)	Claims	<u>1-9</u>	YES
	Claims		NO
Industrial applicability (IA)	Claims	<u>1-9</u>	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
<p>The amendments filed under the terms of PCT Article 19(1) fulfil the requirements of PCT Article 19(2).</p>			
<p>The amendment to the first claim, i.e. "at least two", is supported by the description, page 6, line 34 to page 7, line 3.</p>			
<p>The new lines 3 and 4 as filed are supported by the description, page 4, lines 33 to 36.</p>			
<p>Claim 4 has been redrafted accordingly.</p>			
<p>Reference is made to the following documents:</p>			
<p>D1: HANKE M.: "If you thought you had seen it all: Th. Prescher's Double Triple-Axis Tourbillon concept" AHCI DISCUSSION BOARD, [Online] 13 March 2005 (2005-03-13), XP002332582, downloaded from the Internet: URL:http://www.network54.com/Forum/message?forumid=125316&messageid=1110757723> [downloaded 2005-06-20];</p>			

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2005/003892

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>D2: CH 156 801 A (VUILLEUMIER, MARCEL) 31 August 1932 (1932-08-31) (cited in the application);</p> <p>D3: THOMAS PRESCHER: "Triple Axis Tourbillon with constant force" INTERNET ARTICLE, [Online] January 2004 (2004-01), XP002332665, downloaded from the Internet: URL: http://www.p178host.com/ahcigallery/Prescher_tat/prescher_tat_e5.html [downloaded 2005-06-20].</p> <p>Document D2, which is considered to be the prior art closest to the subject matter of claim 1, describes (the references between parentheses apply to said document):</p> <ul style="list-style-type: none">- two setting members connected to a mechanical energy source and mounted between a common bridge and main plate. <p>It follows that the subject matter of claim 1 differs from this known watch in that the two setting members are tourbillons that are mounted on a common rotating holder and between a rotating main plate and a bar that form part of said common rotating holder.</p> <p>The subject matter of claim 1 is, therefore, novel (PCT Article 33(2)).</p> <p>The problem that the present invention is intended to solve can therefore be considered to be that of averaging the operating errors caused by gravity when two setting members are used.</p>

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2005/003892

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

The solution to this problem, as proposed in claim 1 of the present application, is considered to involve an inventive step (PCT Article 33(3)), for the following reason: no such solution is suggested in the prior art.

Watches that include a (single) tourbillon for averaging the operating differences caused by gravity are also known from the prior art (see document D3 or most of the documents cited by the applicant). In the present case, the use of a second tourbillon helps achieve nominal manufacturing precision for setting members. No such use is suggested in the prior art.

Claims 2 to 9 are dependent on claim 1 and, as such, therefore also fulfil the PCT requirements of novelty and inventive step.